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ABSTRACT

The report is a legislative needs assessment for persons who are blind and visually impaired in Mississippi. The first chapter presents an overview of the project. Chapter 2 summarizes federal legislation concerning persons who are blind and visually impaired. Chapter 3 reviews the methodology used to analyze state legislation and provides a brief summary of current Mississippi law. Chapter 4 presents findings and recommendations for legislative changes affecting services for this population. Recommendations are grouped into the following areas: administration, education, blindness registry, prevention of blindness, independent living, and blind-made products. Many recommendations include sample legislative texts from other states. Additional program areas not currently reflected in Mississippi laws are also recommended. These include children's services, professional preparation, information services, reader services, home services, the multi-handicapped blind, housing, facility safety, affirmative action, loan funds, voting rights, and eye services. An extensive bibliography is organized into sections on sources of information, federal laws, Mississippi state laws, and citations for laws cited in the recommendations. Appendices list agencies in the various states responsible for administering vocational rehabilitation programs and agencies in the states responsible for jurisdiction of schools for the blind and deaf. (DB)

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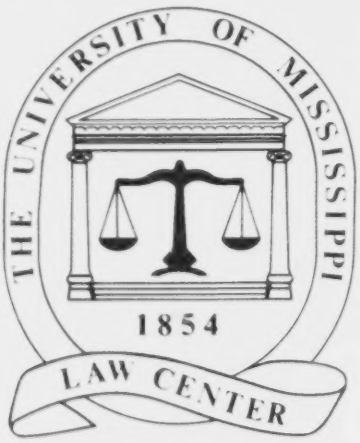
LEGISLATIVE NEEDS ASSESSMENT CONCERNING PERSONS WHO ARE BLIND AND VISUALLY IMPAIRED



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November, 1988

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A Summary Report

of the

Mississippi Statewide

Legislative Needs Assessment Project

(Copyright 1988, James W. Mann, Robert N. Davis,
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Rehabilitation Services for Blind and
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PREFACE

This report is a legislative needs assessment of services for persons who are blind and visually impaired in Mississippi. However, the methodology used and information obtained from the study should be valuable to other agencies and states seeking to improve legislation for the blind and visually impaired.

Prior to writing recommendations for change, a thorough knowledge of current state and federal legislation was needed. Therefore, federal laws and regulations specific to blindness and visual impairment were compiled and are summarized in the monograph Federal Legislation Concerning Persons Who Are Blind and Visually Impaired.

Another monograph was written entitled State Legislation Concerning Persons Who Are Blind and Visually Impaired. This monograph presents a digest of all laws relating to blindness in the 50 states and the several jurisdictions under the United States Government.

Chapter One of this report presents an overview of the entire project. Chapter Two summarizes the monograph entitled Federal Legislation Concerning Persons Who Are Blind and Visually Impaired. Chapter Three reviews the methodology used to analyze state legislation and provides

a brief summary of current Mississippi law. Chapter Four presents findings and recommendations for legislative changes affecting services for blind and visually impaired people in Mississippi.

This report does not contain a line-by-line model legislative package for Mississippi. However, it is designed to aid in planning such model legislation and the recommendations herein offer a blueprint for legislative progress.

The language of various laws on the same topic may differ from state to state. Each state develops its laws to fit specific conditions and special needs; therefore, no law in its entirety can appropriately serve as a model for another state to follow. However, reviewing these laws aids the development of "model" legislation by assembling the best features from each and adapting suitable provisions to Mississippi's needs.

It is inevitable that a report of this nature will focus upon the legislative omissions, the program and service needs, and the planning tasks that lie ahead. Yet it is equally true that many excellent laws relating to services for persons who are blind and visually impaired already exists in Mississippi. It is these strengths that must be built upon to improve rehabilitation and related services for blind and visually impaired Mississippians.

Acknowledgements

This legislative needs assessment study of services for blind and visually impaired persons is the work of a number of people. It is impossible to mention all the individuals who participated in this project.

Special thanks are due the Executive Review Committee members who volunteered to provide assistance and review the final draft document. Dr. Elton Moore, Director of the Mississippi Vocational Rehabilitation for the Blind Agency, and his staff cooperated with the researchers throughout the course of this study.

Equal gratitude is expressed to members of the Mississippi Board of Trustees of the Vocational Rehabilitation for the Blind Agency for their cooperation and financial support of this study. This project would never have materialized without their assistance.

Dr. Ellis E. Tucker, Reference Law Librarian and Professor at the University of Mississippi School of Law, assisted researchers with the latest published codes, supplements, and session laws. Dr. Tucker was very helpful in reserving materials and providing related information for our use.

Ms. Valerie Garrett, a staff research assistant, was

most competent and effective. Her constant attention to details enabled the final report to be completed with facility and accuracy.

Finally, appreciation is expressed to many individuals whose efforts provided us with information enabling this study to become a useful guide for developing needed legislation for blind and visually impaired Mississippians.

James W. Mann
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Chapter I

Introduction

Blindness and visual impairment has personal, social, vocational, educational and economic implications. For this and other reasons, federal and state governments have developed a variety of regulations and services for blind and visually impaired persons which are embodied in the law.

Legal specialists, with knowledge of legal research methods, can locate statutes and provisions related to blindness and low vision with relative ease, but members of other professions, and citizens, may not know where to begin and may not know how to interpret statutory language. Problems may be obscured merely by the fact that they lie between law and rehabilitation, education or other human service areas. Professional groups have not often taken or achieved a sense of responsibility toward these joint areas of concern.

The legal profession is not solely responsible for the failure to maintain a comprehensive body of law related to blindness and visual impairment at a position abreast of current developments. Unfortunately, each profession, has its own methods and standards and typically keeps to itself, without regard to the common body of knowledge to which each

contribute. In 1987, the Mississippi Board of Trustees of the Mississippi Rehabilitation Agency for the Blind requested that a legislative needs assessment study of rehabilitation services for blind and visually impaired Mississippians be undertaken. The mandate reads in part:

> The purpose of this study is to develop a planning document during the study period that will include recommendations for needed legislative changes affecting services for blind and visually impaired people.

Subsequently, the University of Mississippi's Research and Training Center for the Handicapped was contracted to conduct this study. Dr. James Mann was the project director with management authority for the technical and professional aspects of the report, initiating and coordinating the work and drafting the report document.

Margarette Williams, research associate, collected and developed the information on state laws, Professor Robert N. Davis of the University of Mississippi School of Law Center and law student Herbert Lee assisted in state law research, reviewed state statutes, and consulted on findings, legislation, and recommendations.

The Mississippi Rehabilitation Agency for the Blind provides services to blind and visually impaired Mississippians and is administered by a board of trustees, the members of whom are appointed by the governor. Education of blind persons is administered by the Mississippi State Department of Education. The Mississippi Department of

Mental Health also provides services to a number of visually impaired multiply handicapped individuals.

The Mississippi School for the Blind is governed by a board of trustees appointed by the Governor and is in the same organizational unit as the Mississippi Rehabilitation Agency for the Blind. Other governmental agencies also provide services to blind and visually impaired persons.

Personnel who are professionally qualified to evaluate and rehabilitate blind persons must be educated in institutions of higher learning which are entirely separate entities from the Mississippi Rehabilitation Agency for the Blind, local school districts, the Mississippi State Department of Education, the Mississippi School for the Blind or the Mississippi Department of Mental Health. With various agencies providing a broad range of rehabilitation and related services to the blind and visually impaired, many affected individuals did not really know what laws were available or what new legislation was needed in Mississippi.

A few of Mississippi laws relevant to blindness and visual impairment were found to have terms and concepts requiring revision. In addition, omissions in Mississippi legislation as compared with other states were noted.

After considering these issues, it was apparent that the legislative study should encompass state and federal legislation pertaining to services for blind and visually impaired persons.

PLAN OF ACTION

Letters were sent to national and state organizations and agencies involved with the blind and visually impaired persons requesting input and assistance. Simultaneously a national survey of all state agencies providing programs or services to the blind was conducted to determine how individual states provide services to blind and visually impaired citizens. Information requests were submitted to the directors of agencies, commissions and other organizational units serving blind and visually impaired persons in every state and the several jurisdictions under federal control. The majority of state directors responded by sending materials and information and by telephone discussions with the project director.

A literature search was undertaken including all national data bank centers. For example, the Educational Resources Information Center (ERIC) provided data on federal, state and local laws, regulations, guidelines, litigation, and policy reports related to blind and visually impaired persons.

The head librarian of the M. C. Migel Memorial Library, a special reference library on blindness and visual impairment of the American Foundation for the Blind, provided the researchers with a list of all past and current literature as well as other technical assistance. This included an

interlibrary loan of available and relevant publications.

Another search effort involved examining laws on blindness and related topics for all fifty states and several U.S. jurisdictions (the District of Columbia, Puerto Rico, the Virgin Islands). State law indices were initially reviewed to identify code sections addressing laws involving blindness and visual impairment.

All relevant statutes were subsequently identified, photocopied, reviewed and organized to address issues presented by the study, including: vocational training, vending stands, schools, administration, independent living, adjustment centers, health and prevention programs, registers, and handicap rights. Detailed information on all state legislation is available in the monograph entitled State Legislation Concerning Persons who are Blind and Visually Impaired. Another monograph entitled Federal Legislation Concerning Persons Who are Blind and Visually Impaired presents an historical overview and summarizes current federal legislation.

An Executive Committee was established with representation from various agencies and organizations within Mississippi concerned with rehabilitation and related services to visually impaired citizens. Each Executive Committee member participated as needed throughout the study and provided valuable input to the draft report prior to its final printing.

A draft report was forwarded for technical review to the Director of the Mississippi Vocational Rehabilitation Agency for the Blind, Executive Review Committee members, and members of the Board of Trustees of the Mississippi Rehabilitation Agency for the Blind. Suggestions from these groups were incorporated into the final draft.

The final report includes an analysis of current state and federal legislation and findings and recommendations for needed state legislative changes to provide optimum services to blind and visually handicapped Mississippians.

CHAPTER II

Federal Legislation Concerning Persons Who Are Blind and Visually Impaired

The federal legislation benefiting blind and visually impaired persons has had a tremendous impact at the local and state level during the past few decades. Before World War II, only a few laws on blindness existed. Since the late 1950's, federal legislation for all handicapped persons including blind individuals has rapidly developed.

This section provides a brief description of federal laws specific to visually impaired and blind persons. A detailed monograph of the following federal legislation is available from the Research and Training Center for the Handicapped.

VOCATIONAL REHABILITATION

The Rehabilitation Act of 1973 and later amendments require state vocational rehabilitation agencies to give special emphasis and priority to serving the severely handicapped. The Act, defines the term "handicapped individual" as: "any individual who: (1) has a physical or mental disability which for such individual constitutes or results in substantial handicap to employment; and (2) can

reasonably be expected to benefit in terms of employability from vocational rehabilitation services". The Act also defines the term "severe handicap" as a "disability which requires multiple services over an extended period of time and results from blindness".

The state vocational rehabilitation services are derived primarily from the Federal Rehabilitation Act and may include any or all of the following: (1) medical evaluation, including mental/emotional status; (2) evaluation of vocational potential, training, and placement needs; (3) medical, surgical, psychiatric, and hospital care if needed to maintain or secure employment; (4) artificial limbs, braces, wheelchairs, and visual aids if necessary for work; (5) reader services for blind persons; (6) telecommunications, sensory, and other technological aids and devices; (7) vocational training, including tuition and fees, books, and supplies at universities, colleges, commercial and trade schools, rehabilitation facilities, or on-the-job; (8) medical treatment or vocational training; (9) job placement equipment, such as job-related tools and licensing; (10) individual guidance and counseling; (11) coordination of services; (12) help in finding employment; (13) rehabilitation engineering service; and (14) on-the-job follow-up. While there is no age limitation, most vocational rehabilitation clients are 16 years of age or older.

The Act also authorizes formula grants to state vocational rehabilitation agencies providing comprehensive independent living services. Such services must be designed to meet the current and future needs of individuals whose disabilities are so severe that they do not presently have the potential for employment but may benefit from vocational services which will enable them to live and function independently.

Independent living services may include: (1) counseling, including psychological, psychotherapeutic and related services; (2) housing, including appropriate accommodations and space modifications of any space to serve handicapped persons; (3) appropriate job placement services; (4) transportation; (5) attendant care; (6) physical rehabilitation; (7) therapeutic treatment; (8) needed prostheses and other appliances and devices; (9) health maintenance; (10) recreational activities; (11) services to children of preschool age, including physical therapy, development of language and communication skills, and child development services; and (12) appropriate preventive services to decrease the needs of individuals served under this program for future independent living services.

The Act also provides independent living services for persons over age 55 whose visual impairment is severe enough to make gainful employment extremely difficult, but for whom independent living goals are feasible. Services include but

are not limited to: outreach services; surgical or therapeutic treatment; eyeglasses and other aids; mobility training; and guide and reader services.

The Rehabilitation Act Amendments of 1984 revised and extended the Rehabilitation Act of 1973. It also established a separate authority for the Helen Keller National Center for Deaf-Blind Youth and Adults. This center provides outreach services to deaf-blind Mississippians.

Additional amendments were made by P.L. 99-506, the Rehabilitation Act Amendments of 1986. These Amendments authorize a new formula grant entitled State Supported Employment Services Program. This program provides grants to assist states in developing and implementing collaborative programs with appropriate public agencies and private nonprofit organizations for training and traditionally time-limited postemployment services leading to supported employment for individuals with severe handicaps. Individuals who are eligible for services under the program must be incapable of functioning independently in employment without intensive on-going support services for the duration of their employment. Under the final regulations, individuals who are eligible for supported employment services must also be receiving services from, or eligible for other state, federal, or private programs that provide on-going support services.

The statute defines "supported employment" as competitive work in an integrated work setting for individuals who, because of their handicaps, need on-going support services to perform that work. Supported employment is limited to individuals with severe handicaps for whom competitive employment has not historically occurred, or individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability.

A related program, the Job Training Partnership Act of 1982 (P.L. 97-300), established programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other handicapped individuals facing serious barriers to employment. This program can be utilized to provide training for blind and visually impaired adults in Mississippi.

EDUCATION

The first legislation providing aid from the federal government was approved on March 3, 1879 under the title "An Act to Promote the Education of the Blind." According to this law a perpetual trust fund of $250,000 was set up to be invested in United States interest-bearing bonds, the income from which, at 4 percent, in the amount of $10,000 per year, would go to the American Printing House for the Blind in Louisville, Kentucky. The conditions of this grant were,

first, that the superintendents of the various tax-supported schools for the blind of the country become ex officio members of the Board of Trustees of the Printing House; second, that books and tangible apparatus equivalent in value to the governmental grant be distributed among the schools for the blind in proportion to their pupil enrollment.

The American Printing House for the Blind since 1879 has provided braille textbooks and other materials to rehabilitation schools. An important change was made in 1956 when the law was amended "so as to authorize wider distribution of books and other special instructional material for the blind."

On November 29, 1975, Public Law 94-142, Education for All Handicapped Children Act of 1975, was enacted mandating certain procedures and policies to be carried out by the various states to insure a free and appropriate education for all handicapped children. This, of course, included visually impaired children.

The Education of the Handicapped Act is a primary source of federal aid to state and local school systems for instructional and support services to handicapped children. The centerpiece of the Act is a state grant-in-aid program, authorized under part B, which requires participating states to furnish all handicapped children with a free, appropriate public education in the least restrictive setting.

The Act guarantees seven rights to all handicapped children and their parents: (1) Right to an Education, (2) Right to a Free Education, (3) Right to an Appropriate Education, (4) Right to Least Restrictive Environment, (5) Right to Due Process, (6) Right to Confidentiality, and (7) Right to Non-Discriminatory Testing. All states must provide for these civil rights.

P.L. 94-142 obligates the state and public agencies within the state to develop and implement policies and procedures insuring that all handicapped children in the state receive a free appropriate public education (FAPE). The word "all" means that every handicapped child, regardless of the nature or severity of the handicapping condition, must receive a FAPE. The term "appropriate" includes special education and related services provided in conformity with an individualized education program (IEP). The regulations provide the state must make available a continuum of alternative placements to meet the needs of handicapped children.

Under P. L. 94-142, a child's IEP must include all of the specific special education and related services needed by the child. This means that the services must be listed in the IEP even if they are not directly provided or through arrangements with another agency. A child's special education needs are determining factors in designing an

appropriate program and not the availability of certain services or administrative convenience.

In making educational programming decisions under P. L. 94-142, courts define the term "appropriate education" broadly to include not only the teaching of academics and vocational skills, but such nonacademic skills as self-help, social, independent living, orientation and mobility training, play and recreation. The child's appropriate educational program must be determined before addressing the legal requirements that the child be educated in the least restrictive environment.

Where two or more programs provide the necessary components of an appropriate program for a visually impaired child, the public agency must select the program that is least restrictive. To the extent only one type of program is appropriate, that program is the least restrictive.

VENDING FACILITIES

The Randolph-Sheppard Vending Stand Act of 1938 as amended authorizes a program designed to provide gainful employment, enlarge the economic opportunities of the blind, and assist the blind to make themselves independent by operating vending facilities on federal and other property.

The original act made surveys of concession stand opportunities and authorized vending facility operation by blind persons in federal and other buildings at the discre-

tion of the department or agency controlling the buildings. The 1974 amendments strengthened this part by specifying that any limitation on the placement or operating of a vending facility be based on a finding that such placement or operation would adversely affect the interests of the United States.

The Rehabilitation Services Administration designates a public agency serving blind persons to issue licenses to blind persons for the operation of vending facilities on federal and other property and required that the agency shall be the authorized agency to provide vocational rehabilitation to blind individuals. To be eligible for a license, a person must be "legally" blind, and a United States citizen. In authorizing vending facility operation on federal property, priority is given to blind persons licensed by a state rehabilitation agency.

The definition of "legal" blindness used in rehabilitation law is not medical or educational but is legal or economic. It was written into the Social Security Act of 1935, primarily for the benefit of aged persons; since then, however, it has become the basis for a broad range of categorical programs. This definition reads as follows:

> Blindness is . . . visual acuity for distant vision of 20/200 or less in the better eye, with best correction; or visual acuity of more than 20/200 if the widest diameter of field of vision subtends an angle no greater than 20 degrees.

(National Society for the Prevention of Blindness, 1966, p. 10).

The 1974 amendments: (1) extended coverage to federal property operated by any federal department, agency or instrumentality; (2) established guidelines for state licensing agencies; (3) required coordination among the agencies responsible for program implementation; (4) established fair treatment procedures of blind vendors, state licensing agencies and the federal government; (5) required stronger federal administration and oversight by the Rehabilitation Services Administration; and (6) permitted income from vending machines in direct competition with blind vendors to accrue to the blind vendor, or to the state licensing agency to establish a sick leave fund, vacation and retirement benefits for blind vendors.

Section 111 of the Surface Transportation Assistance Act of 1982 authorized the states to place vending machines in rest areas located on the rights-of-way of the National System of Interstate and Defense Highways. State Licensing Agencies designated under the Randolph-Sheppard Act were given priority to operate such vending machines for blind vendors.

GOVERNMENT PURCHASE OF BLIND-MADE PRODUCTS

Federal legislation and efforts by rehabilitation agencies for the blind have enabled many blind persons to

take their place as self-supporting individuals in competition with the seeing. There are, however, many blind persons whose productive ability is so limited that employment in special workshops or in home industries programs is necessary.

It was recognized that the capacity of the many sheltered workshops for the blind to provide employment was seriously restricted because of the limited market for their products. It was also realized that many articles bought regularly in large quantities by the federal government could be manufactured by workshops for the blind and sold at a fair market price. In 1938, therefore, Congress passed the Wagner-O'Day Act "to create a Committee on Purchases of Blind-Made Products, and for other purposes." This Act, now known as the Javits-Wagner-O'Day Law, established a program under which federal agencies may procure selected commodities and services from qualified workshops serving blind and other severely handicapped individuals.

The program increases employment opportunities. Procurement is directed by a Committee for the Purchase from the Blind and Other Severely Handicapped for: (1) determining which commodities and services are suitable for procurement from qualified nonprofit agencies; (2) publishing a list of such goods and services; (3) determining the fair market price for items/services on the procurement list and revising prices as market conditions

change; and (4) promulgating necessary rules and regulations to implement the Act.

TRANSPORTATION

Congress in 1927 passed an amendment to the Interstate Commerce Act stating that nothing in this act should be construed to prohibit any common carrier from carrying any totally blind person accompanied by a guide at the usual and ordinary fare charged to one person. Congress in 1937 passed another amendment to the Interstate Commerce Act which added to the former amendment after the word "guide," the words "or seeing-eye dog or other guide dog especially trained and educated for this purpose."

The Urban Mass Transportation Act was amended in 1970 requiring eligible local jurisdictions to plan and design mass transportation facilities and services to be available to and usable by elderly and handicapped persons. This Act was amended in 1974 to require project applicants to assure that the fares charged elderly and handicapped persons during nonpeak hours do not exceed one-half the rate for other persons during peak hours.

The Amtrak Improvement Act of 1973 (P.L. 93-146) amended the Rail Passenger Service Act to establish the National Rail Road Passenger Corporation. This new Corporation was directed to take all steps necessary to insure that no elderly or handicapped individual is denied

intercity transportation on any passenger train operated by or on behalf of the Corporation. Such steps may include: (1) acquiring special equipment and devices and conducting special employee training; (2) designing and acquiring new equipment and facilities and eliminating architectural and other barriers in existing equipment and facilities; and (3) providing special assistance to elderly and handicapped persons while boarding and alighting and within terminal areas.

The Air Carrier Access Act of 1986 (P.L. 99-435), prohibited discrimination against handicapped individuals. The Act stated that no air carrier may discriminate against any otherwise qualified handicapped individual by reason of such handicap, in the provision of air transportation. A qualified handicapped person is defined as one who pays for air transportation; whose carriage will not violate FAA regulations; and who is willing and able to comply with reasonable safety requests of airline personnel or, if not, is accompanied by a responsible adult passenger who can ensure compliance with the requests.

LIBRARY SERVICE

Under legislation initially enacted by Congress in 1904, the Library of Congress makes available free braille and recorded materials to blind and physically handicapped persons. The program, now called the National Library

Service for the Blind and Physically Handicapped, distributes full-length books and magazines in braille and on recorded discs and cassettes through a cooperative network of regional and local libraries. Materials are circulated free of charge to eligible borrowers. Eligibility for this service is extended to anyone who is unable to read or use standard printed materials as a result of temporary or permanent visual or physical limitations.

The Library of Congress through its Division for the Blind is responsible for providing books for the blind. To carry out the program, the Division has selected libraries throughout the country to serve as regional distributing libraries, on the condition that these libraries circulate books for the blind over designated areas, regardless of whether or not the areas extend beyond the taxing unit supporting the libraries. Because of the relatively small number of blind readers in each area, most of the circulation of books for the blind is done by mail. An amendment to the United States Postal Laws provides that these books are sent from libraries to the blind reader and back to the libraries postage free.

SPECIAL MAILING PRIVILEGES

Because of the weight and bulk of reading matter for blind persons, the federal government initially recognized that special postal privileges should be extended to the

blind on the basis of expediency if not for purely humanitarian reasons. The first law on the subject was passed on March 2, 1899 and accepted as third-class mail, unsealed letters written in point print or raised characters.

Congress, on April 27, 1904, passed "An Act to promote the circulation of reading matter among the blind," which granted the free mailing privileges for books, pamphlets, and other reading matter in raised characters for the use of blind persons. Subsequently, amendments were passed extending the provisions of law previously applying to matter in raised characters for the blind to include material such as sound reproduction records, braille writers, and other appliances for the blind through the mail.

TAX EXEMPTION

In the opinion of many workers for the blind, a blind person has certain expenses growing out of blindness which sighted taxpayers in similar economic circumstances do not have. On this premise Congress, in the Revenue Act of 1943, included a provision permitting a blind taxpayer, in reporting income to take personal deduction in addition to other allowable deductions. However, the Tax Reform Act of 1986 eliminated the extra exemptions for age and blindness

beginning with 1987 returns. It replaced the extra exemption with the additional standard deduction.

The Internal Revenue Service has ruled that the cost and maintenance of a guide dog may be considered a medical expense for federal income tax purposes. Similarly, parents of handicapped children, including blind children, may deduct the cost of sending such children to public or private institutions for special instruction as a medical expense. Allowable deductions also include costs of meals and lodging, if supplied and included in the tuition fee paid by parents.

Another tax program, The Jobs Tax Credit (TJTC) Program, was reauthorized by the Tax Reform Act of 1986 (P.L. 99-514). The Jobs Tax Credit Program offers employers a credit against their tax liability for hiring individuals from targeted groups which have a particularly high unemployment rate or other special employment needs including blind and visually impaired persons.

NONDISCRIMINATION RIGHTS

During the 1970's and 1980's, Congress enacted several laws to protect blind persons against discrimination. Statutory safeguards extended to blind individuals under these laws included: (1) protection against discrimination in federally assisted programs and (2) accessibility to

facilities and programs supported or operated by the federal government.

Title V of the Rehabilitation Act of 1973, as amended, safeguards handicapped rights. Section 504 of the Act protects against discrimination in all federally-assisted programs and activities. The Act states that:

> No otherwise qualified handicapped individual in the United States shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

Sections 501 and 503 of the Vocational Rehabilitation Act protect handicapped persons from employment discrimination by federal agencies or federal contractors. Each federal agency is required under Section 501 to develop an affirmative action plan for hiring, placing, and advancing handicapped individuals within the agency. An Interagency Committee on Handicapped Employees established under Section 501 monitors implementation.

The Civil Rights Commission Act Amendments of 1978 expanded the jurisdiction of the Civil Rights Commission to include protection against discrimination on the basis of handicap. The Act itself did not define the term "handicap," but referred instead to the definition contained in the Rehabilitation Act of 1973, as amended.

The Legal Services Corporation Act Amendments of 1977 (P.L. 95-222) added persons with handicaps to the list of

clients eligible for services. Legal service corporations are local organizations providing legal counseling and referral services, and representing needy individuals.

The Civil Service Reform Act of 1978 mandated sweeping reforms in the employment practices of the federal government. Included in the Act was authority for agency heads to employ reading assistants for blind employees when such services are necessary to enable disabled employees to perform their work.

Congress, in 1968, passed the Architectural Barriers Act, requiring most buildings and facilities designed, constructed or altered with federal funds after 1969 to be accessible to physically handicapped persons. The Act was amended mandating the accessibility of public buildings to physically handicapped persons. Coverage of the Act was also extended to Government-leased buildings intended for public use or in which physically handicapped persons might be employed, including buildings leased for public housing or for use by the U.S. Postal Service.

FEDERAL GOVERNMENT ASSISTANCE

Special local legislation providing relief for the needy blind in the form of direct financial assistance from public funds has a long history in the United States. The oldest provision of this type is found in a resolution passed in 1866 by the Board of Aldermen and Board of

Councilmen of New York City, establishing a definite procedure for dealing with applications from blind persons for "donations" from city funds. The first state law for relief for the blind was passed in Ohio in 1898. This law was later declared unconstitutional, so that Illinois's so-called "blind-pension" law of 1903 actually pioneered in the principle of relief for the blind from public funds. By January 1935, twenty-six states had passed similar legislation. In 1935, with the passage of the Social Security Act, the federal government assumed the responsibility of helping the states to assist the needy blind.

Some individuals are potentially eligible for benefits under federal programs which come under the general heading of "social insurance" or, more broadly, "income maintenance." The term "income maintenance program" is an inclusive term for publicly administered programs such as Social Security, Supplemental Security Income, and other public assistance programs.

Social insurance programs give rise to entitlements based on the fact that someone has paid premiums, usually in the form of mandatory payroll deductions, into a public trust fund. In the case of Social Security, an unmarried adult son or daughter of any age who has been blind since childhood can eventually become eligible for dependent's benefits under Social Security if the parent has (at death

or retirement) attained insured status by working in covered employment and paying "FICA" taxes.

Supplemental Security Insurance (SSI) payments are made to any needy person who is blind. For SSI purposes, a person is eligible if he is unable to engage in substantial gainful activity because of physical or mental impairment which can be expected to last for twelve months or longer. In the case of blind persons over 18, only the income and assets which they or their spouses have is considered in determining whether or not they are eligible for "Supplemental Security Income".

Medicaid is a federal-state program with substantial federal financial participation. It provides medical assistance for certain categories of people who are medically needy, i.e., going beyond their current daily needs. The categories included are the four that can qualify for cash-assistance payments - the aged, the blind, the disabled, the families with dependent children and medically needy children under age 21 even though they do not meet the eligibility requirements for Aid to Families with Dependent Children.

Each state designs its own Medicaid program within certain federal guidelines and requirements. There is substantial variation among the states in: (1) eligibility requirements; (2) range of services offered; (3) limitations imposed on such services; and (4) reimbursement policy (how

much the vendor will be paid). Recipients of public assistance are covered under Medicaid, specifically recipients under the basic federally aided program of Aid to Families with Dependent Children (AFDC) and most recipients under the federal Supplemental Security Income program described earlier.

Medicare is a federal health insurance program enacted to pay for the high cost of health care for people sixty-five years of age or older, and for severely disabled people under sixty-five years of age. The program is administered by the Social Security Administration.

Essentially, anyone who is sixty-five years of age or older is eligible for Medicare. Also, eligible are blind people under sixty-five years of age who have been entitled to Social Security disability benefits. Hospital Insurance may include retired blind workers, blind widows and blind children of retired, disabled and deceased insured workers aged eighteen or over. Social Security provides monthly benefits for a qualified worker and/or his dependents upon the retirement, disability, or death of the worker. Benefits received by a child who is blind may continue indefinitely.

A blind child may become eligible for monthly Social Security benefits when the worker becomes eligible or upon the death of the worker, if the child was blind before reaching 22 years of age and has continued to be disabled

thereafter. To be eligible under Social Security, there must be a physical or mental condition which prevents him from doing substantial gainful work or which may be expected to last at least one year.

CHAPTER III

Mississippi Laws on Blindness

This chapter provides a synopsis of Mississippi laws on blindness and visual impairment. Laws of the fifty states are available in the companion report entitled State Legislation Concerning Persons Who Are Blind and Visually Impaired.

An up-to-date compilation of state statutes governing blind and visually impaired services was not available at the beginning of the study. Information on programs, laws and other relevant data was requested from all fifty states, Puerto Rico, the Virgin Islands, and the District of Columbia. Approximately half of the states responded with information, but some states did not respond. Some information furnished by the state agencies was often incomplete and out-of-date. Despite these difficulties, the researchers were successful in obtaining useful data from many of the states.

To complete this data, statutory research was conducted at the University of Mississippi's Law Library including material current through the 1988 Spring legislative session. After state statutes were examined, a

compilation of laws was prepared and information was presented in a more concise and usable format.

Researchers found that important provisions of state laws were adapted from federal law. For example, state statutes concerning vending stands were based on the Randolph-Sheppard Vending Stand Act and state laws on vocational rehabilitation were based on the federal Vocational Rehabilitation Act of 1973 as amended.

It is inevitable that a report of this nature will focus upon the omissions in Mississippi law. However, the investigators reviewed state legislation in every state, and identified many programs and services available in other states that were very similar to Mississippi. Overall Mississippi laws, especially in the area of rehabilitation services, compare favorably with those of other states and are generally consistent with federal law. The following is a summary of current Mississippi law related to the blind and visually impaired.

ADMINISTRATION

Mississippi laws on blindness are presented in the Mississippi Code Annotated, Title 37, 43 and 45. Under this code, the Board of Trustees of Mississippi School for the Blind and School for the Deaf is responsible for administering the state-federal vocational rehabilitation program for blind persons. [Title 37-33-53, Title 43-5-3]

Vocational Rehabilitation for the Blind provides rehabilitation services to eligible blind individuals; cooperates with other departments, agencies and institutions, both public and private, in providing vocational rehabilitation services to blind individuals, and in studying the problems and in developing and providing desirable programs, facilities and services. The agency may enter into reciprocal agreements with other states to provide for the vocational rehabilitation of blind citizens of the states concerned while they may be temporarily residing in Mississippi; conducts research and compiles statistics relating to vocational rehabilitation of blind individuals; and prescribes necessary vocational training. [Title 37-33-59 (a)-(d)]

Government and control is vested in a nine-member board of trustees including the State Superintendent of Education or an employee of the State Department of Education designated by the State Superintendent of Education, and the Dean of the University of Mississippi Medical School, or a medical doctor who is a member of the faculty of the medical school and designated by the Dean. The other seven (7) members are appointed by the Governor with the advice and consent of the senate as follows: one (1) member from the state at large who has had professional experience involving services for or education of the visually impaired, one member from the state at large who

has had professional experience involving services for or education of the hearing impaired, and one (1) member from each of the five congressional districts, as presently constituted, provided that the members from the congressional districts shall include one member who is the parent of a person with impaired hearing and one (1) member who is the parent of a person with impaired vision. [Title 43-5-3]

Members are elected for a term of seven years and meetings are held monthly at either the school for the blind or at the school for the deaf or at such other place or places as may be designated by the board minutes at least two months prior to such meeting, when the schools are in session. Four board members shall constitute a quorum for transacting business. [Title 43-5-3]

The Vocational Rehabilitation for the Blind is administered by a director responsible to the state board. The director is elected by the board according to established personnel standards and on the basis of education, training, experience and administrative ability and devotes full time to vocational rehabilitation administration. The director; (a) makes regulations conforming with the Federal Vocational Rehabilitation Act subject to approval by the state board governing record protection and confidential information, the manner and form of filing applications, eligibility and investigations and

determinations for vocational rehabilitation services, procedures for fair hearings, and other regulations; (b) establishes appropriate subordinate units within the division; (c) recommends for appointment by the state board such personnel necessary for the agency's efficient performance; (d) prepares and submits to the state board annual activity and expenditure reports and prior to each regular legislative session, submits estimates of sums required for carrying out the law; (e) makes certifications for the disbursement of funds available for vocational rehabilitation; and (f) with the approval of the state board, takes such other action necessary to implement the Mississippi Vocational Rehabilitation for the Blind Law [Title 37-33-15 (a)-(f)].

REHABILITATION SERVICES

Rehabilitation services are provided directly or through public or private instrumentalities, to enable a blind individual to overcome an employment handicap and to enable an individual to engage in an occupation.[1] Services include, but are not limited to, medical and vocational diagnosis, vocational guidance, counseling, and placement; rehabilitation training; physical restoration; transportation; occupational licenses; placement equipment,

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[1] "Blind individual" shall mean any person with insufficient vision to perform tasks for which sight is essential. [Title 37-33-53 (f)]

supplies and tools, maintenance; and training books and materials [Title 37-33-55 (a)-(f)].

Rehabilitation training means all necessary training provided to a blind individual to overcome an employment handicap. This includes but is not limited to, manual preconditioning, prevocational, vocational, and training to develop occupational skills and capabilities [Title 37-33-53 (g)].

Physical restoration is any medical, surgical or therapeutic treatment necessary to correct or substantially reduce a disabled individuals' employment handicap within a reasonable length of time. This includes, but is not limited to, medical or nursing services, hospital care, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances [Title 37-33-53 (h)].

ELIGIBILITY

Any blind individual may be eligible for services who is a Mississippi resident at the time of filing the application and whose vocational rehabilitation, the director determines after full investigation, can be satisfactorily achieved, or who is eligible under the terms of an agreement with another state or with the federal government. Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the division is entitled, in accordance with

regulations promulgated by the state board, to a fair hearing [Title 37-33-63,65].

ORIENTATION/ADJUSTMENT/TRAINING

The state public policy requires that a state facility be built and a state program be established which can teach and assist blind persons to adjust to and become a useful part of sighted society. In addition to existing facilities and vocational and rehabilitation programs for blind persons in Mississippi, an Adjustment Center for Blind Persons was established in 1972 to assist those persons in adopting attitudes, behavior patterns, and otherwise becoming acclimated for a full, more useful and productive life. [Title 43-3-3]

The director of the Mississippi Medical School and Teaching Hospital, with the director of the Rehabilitation Agency for the Blind, are authorized to establish, maintain and supervise an Adjustment Center for Blind Persons. Both directors shall jointly govern the facility. [Title 43-3-5]

ADDIE MCBRYDE REHABILITATION CENTER FOR THE BLIND

The Addie McBryde Rehabilitation Center for the Blind is supervised by the Vocational Rehabilitation for the Blind and provides training programs for individuals with visual handicaps. Services include: evaluations, temporary living accommodations, orientation and mobility training, training

with low vision aids, pre-vocational training, counseling and testing, vocational evaluation, low vision aids evaluation, communications, personal management, small business training, and recreation and physical conditioning. Center Services are provided at no cost to individuals eligible for vocational rehabilitation services.

WORKSHOPS

The Mississippi Industries for the Blind (MIB) is a state political body. The MIB is governed by the State Board of Public Welfare. It is the duty of the public welfare board to: appoint and employ an executive director to be the executive and administrative head of MIB and to serve at the board's pleasure. The purposes of MIB are:

(a) To establish industries, businesses, shops and workshops primarily for the employment of blind persons and other persons;

(b) To employ blind persons whose training is not otherwise provided for and to market their products; and

(c) To furnish materials, tools and books for use in rehabilitating blind persons for employment, and to do any and all other things for blind persons as it deems advisable.

The MIB executive director is empowered to maintain sufficient funds to cover disbursements for current

operations and shall deposit any excess funds with any official state depository and invest such excess funds as the director deems appropriate. [Title 43-3-109]

Any funds obtained by MIB from the sale of goods manufactured by it shall be accounted for separately from any funds received by MIB through appropriation from the state legislature. All nonappropriated funds generated by MIB shall not be subject to appropriation by the state legislature [Title 43-3-101-111].

VENDING STANDS

This statute provides legally blind persons with remunerative employment, enlarges the economic opportunities for blind persons, and assists blind persons in becoming self-supporting. Blind persons licensed under this section, may operate vending facilities, snack bars or similar facilities in cooperation with the federal government in the furtherance of the Randolph-Sheppard Vending Stand Act [Title 43-3-93 (3)].

The Director of Vocational Rehabilitation for the Blind, with the approval of the Board of Trustees of the Mississippi School for the Blind and Deaf Schools, makes regulations conforming with the Randolph-Sheppard Vending Stand Act. The director shall do all the things necessary and proper to carry out the provisions of this section, including surveying opportunities for the operation of

vending facilities by blind persons and collecting set-aside funds in a special deposit fund to be used only for the following purpose authorized under the Randolph-Sheppard Vending Stand Act: (a) the maintenance and replacement of equipment; (b) management services; and (c) the purchase of new equipment [Title 43-9-93 (3)].

To promote employment and self-sufficiency of blind Mississippians, state agencies shall, upon the request of the Vocational Rehabilitation for the Blind, give preference to blind persons in the operation of vending facilities on state property. On state property, where Vocational Rehabilitation for the Blind determines that a vending facility should not be established or should not continue to operate due to insufficient revenues, Vocational Rehabilitation for the Blind shall have the first opportunity to secure, by negotiation of a contract with one or more licensed commercial vendors, coin or currency operated vending machines for such state property location. Profits secured by Vocational Rehabilitation for the Blind from such machines shall be used only for the support of vending facilities operated by Vocational Rehabilitation for the Blind [Title 43-9-93 (6)].

EDUCATION

Government and control of the Mississippi School for the Blind is constituted similarly to that of the

Mississippi Rehabilitation Agency for the Blind. The Board shall employ a capable person to serve as superintendent of the school for the blind, who shall be of recognized ability and moral character, and who shall hold a valid certificate from the state department of education in special education, with emphasis on education for the blind, and have a master's degree. The board of trustees shall report annually to the Mississippi State Board of Education, and also make report to every annual term of the legislature, showing the needs and condition and status for the school for the blind. [Title 43-5-3,9]

Current Mississippi law provides that braille print, designated commonly as revised Braille grade two, shall be taught in the school for the blind. The use of this print shall be included in the high school literary courses of students in such school. [Title 43-5-13]

The school shall be open to receive all pupils eligible to attend it and shall provide for lodging, maintenance, care and education while in attendance. A student shall not be admitted to or continue as a pupil in the school for the blind whose vision acuity is, or becomes, habitually greater than fifty (50%) of normal vision. The board, in its discretion, shall establish the age of eligibility for students seeking admission to the school. No person shall be admitted to the school who is not a bona fide state

resident or who is not of good moral character. [Title 43-5-15]

The board of trustees of the Mississippi School for the Blind shall call an annual conference of representatives of state agencies, and institutions for the general purpose of coordinating programs relating to the training, education and assistance of blind and deaf citizens of the state. [Title 43-5-11, 31]

LIBRARIES

Title 39 of the Mississippi Code provides for the establishment of the Mississippi Library Commission. Although there is no specific provision in the code, the Mississippi Library Commission Service for the Blind and Physically Handicapped is a department of the Mississippi Library Commission and regional library supplying talking books, braille books, cassettes and large type for the blind. Reader service and volunteer reading programs are also available. [Title 39-3-1 to 39-3-21, 39-3-107]

HANDICAP RIGHTS

Blind persons, visually handicapped persons, deaf persons and other physically disabled persons have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, public buildings, public facilities, and other public places. Every totally or

partially blind person has the right to be accompanied by a guide dog without being required to pay an extra charge for the guide dog [Title 43-6-3, 7].

Blind persons, visually handicapped persons, deaf persons and other physically disabled person are entitled to full and equal access, as are other members of the general public, to accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodations, amusement or resort, and other places to which the general public is invited [Title 43-6-5].

No person shall be refused employment in state services, the service of political subdivisions of the state, in public schools, or any other employment supported in whole or in part by public funds, because of being blind or visually handicapped, unless the disability materially affects work performance [Title 43-6-15].

WHITE CANE SAFETY DAYS

Each year the governor shall publicly proclaim October 15 as White Cane Safety Day and shall issue a proclamation in which:

(a) Comments shall be made upon the significance of this article.

(b) Citizens of the state are called upon to observe the provisions of this article and to take precautions necessary to ensure disabled persons' safety.

(c) Citizens of the state are reminded of the policies with respect to disabled person and are urged to cooperate in giving effect to them.

(d) Emphasis shall be made on the need of the citizenry to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

(e) It is the policy of this state to encourage and enable blind persons and visually handicapped persons, to participate fully in the social and economic life of the state and to engage in remunerative employment [Title 43-6-13].

ARCHITECTURAL BARRIERS

The State building commission, the boards of supervisors of each county, the governing authorities of each municipality and the governing authorities of all political subdivisions of the state, shall cause to be constructed such entrance ramps to facilitate ingress and egress in each public building. The standards and

specifications shall apply to all buildings of assembly, educational institutions, office buildings, and other public buildings which are constructed in whole or in part by the use of state, county or municipal funds except when such compliance is impractical in the state board of health's opinion. All such buildings and facilities in this state on which design contracts are awarded after July 1, 1972, shall conform to each of the standards and specifications prescribed [Title 43-6-101].

ISSUANCE OF IDENTIFICATION CARDS

Any blind or physically disabled person or any other person eighteen (18) years of age or older who does not have a driver's license issued by the Department of Public Safety shall be issued at his or her request, an identification card by the department of public safety. The Department shall issue an identification card only to a blind or physically disabled person or any other person who does not have a driver's license issued by the department [Title 45-25-1].

GIFTS AND DONATIONS

The Mississippi Vocational Rehabilitation Blind Agency is authorized and empowered to accept and use gifts and donations made unconditionally or otherwise to carry out the Vocational Rehabilitation for the Blind Law from either public or private sources. Gifts made under such conditions

as in the judgment of the state board that are proper and consistent with the provisions of this law may be accepted and held, invested, reinvested and used in according to the conditions of the gift. All monies received as gifts or donations, except conditional gifts requiring other treatment, shall be deposited in the state treasury and shall constitute a permanent fund to be called the "special fund for the vocational rehabilitation of blind persons," and are to be used by the agency for such purposes. The agency shall report annually to the state legislature, setting forth the condition of vocational rehabilitation of blind persons in Mississippi, the expenditures made from state and federal funds in carrying out the provisions of said law or its purpose, and a detailed statement of all gifts and donations offered and accepted, together with the names of donors and the respective amounts prescribed by each, including all disbursements [Title 37-33-57].

VOTER RIGHTS

Any voter who declares to the managers of the election that he or she requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by a person of the voter's choice other than the voter's employer, or agent of that employer, or officer or agent of the voter's union [Title 23-15-549].

CHAPTER IV

Findings and Recommendations

This review of state and federal statutes demonstrates that all the states have, like Mississippi, incorporated into their respective laws the important features of the Federal Rehabilitation Act of 1973 and its amendments. In fact, most states have adopted verbatim provisions of this act.

A study of Mississippi law suggests the need for additional legislation in the areas of services, care and rehabilitation. Therefore, the recommendations to update the existing laws will focus on the programs and services currently unaddressed in Mississippi laws, and will provide the background for implementing new service program areas. The following recommendations offer goals and a blueprint for legislative progress.

ADMINISTRATION

Table 1 presents the different state organizational forms of administering vocational rehabilitation programs for blind citizens. These fall into three state agency categories: independent commissions, departments of education, and multi-program agencies or agencies providing

assistance or services to the adult blind. See Appendix A for a detailed breakdown of information in Table 1 and also the companion report entitled State Laws Concerning Blind and Visually Impaired Persons which describes the administration of blind programs in greater detail.

Table 1

Summary Analysis of State Agencies Designated to administer Vocational Rehabilitation Programs by Category of State Agency

	Number	
	General	Blind
Independent Vocational Rehabilitation Agency	11	11
Department of Education	15	3
Multi-program Parent Agency	24	13

NOTE. The data in Table 1 is adapted from "State Agencies Responsible for Administering Vocational Rehabilitation Programs" by Federal Office of Special Education and Rehabilitation, 1988, Information Memo No. RSA-IM 88-09.

This study does not advance one state organizational structure over another but introduces laws, services and programs available in many states which are not currently provided for in Mississippi's laws:

1. The Mississippi Vocational Rehabilitation for the Blind should be maintained as a separate primary organizational unit. It should maintain a

separate State Plan of services for the blind and the current division of federal and other funds of the Vocational Rehabilitation for the Blind Agency in order to maintain fiscal and program integrity and continue the high quality of service.

2. Enabling legislation should permit the Director of Mississippi Vocational Rehabilitation for the Blind to appoint committees as needed to serve in the capacity of governing authority for independent living centers or other entities as required by federal law or accrediting bodies for the blind.

3. Any organizational model of services for the blind should continue to include participation and input from the public and specialists in the field of handicapping conditions as they relate to blindness. Provisions should include a board or commission composed of representatives from fields of education of the handicapped, medical representatives, individuals who have displayed knowledge of and interest in the conduct of programs for the blind, and consumer representatives.

4. Appropriate authority, e.g., promulgating regulations, etc. should be located in a director or commissioner of the blind organizational unit.

5. The adjustment center for the blind law of 1968 should be amended to allow the director of the Mississippi Vocational Rehabilitation for the Blind Agency, with the approval of the Board of Trustees of the Mississippi Schools for the Blind and Deaf, to administer the Addie McBryde Rehabilitation Center for the Blind.

6. Enabling legislation for the Mississippi Vocational Rehabilitation for the Blind Agency should be amended to include current services authorized by the Federal Rehabilitation Act, e.g., rehabilitation engineering, supported employment services, independent living services, etc.

7. It is recommended that the Board of Trustees of the Mississippi Vocational Rehabilitation for the Blind Agency publish a compilation of Mississippi laws related to blindness and other useful materials for professionals, consumers, and the public.

8. It is recommended that Mississippi State individual income tax return forms provide an appropriate explanation and check-off space to enable taxpayers to designate contributions to an "assistance to the blind fund."

EDUCATION

The researchers for this legislative needs assessment study compiled an analysis of the jurisdiction of schools for the blind and deaf from a more extensive compilation of state laws on blindness and deafness. The data compiled for this analysis is presented in Table 2 and indicates that with the exception of private schools, the administration and jurisdiction of schools for the blind is primarily under boards and departments of educations. (For more detailed information see Appendix B.)

Table 2

Jurisdiction	Schools		
	Deaf	Blind	Deaf & Blind
Boards/departments of Education	19	13	6
Governor	3	3	0
Board of Trustees	1	1	2
State Board of Regents	2	2	0
Other	5	5	2
Total	29	24	10

Our recommendations are:

1. The Mississippi School for the Blind should continue to assume innovative and dynamic leadership in the development and delivery of quality educational programs for visually handicapped children in Mississippi.

2. The Mississippi School for the Blind should serve the visually handicapped child and his or her parents as a direct service provider and as the most knowledgeable advocate of the delivery of quality educational services regardless of where the child attends school.

3. Because of the broad range of expertise found in the school, it should, through vigorous out-reach efforts, function as a vehicle for the development of excellent and relevant educational services in the public schools. The School for the Blind should be a principal resource for local school programs by providing technical assistance, diagnostic and evaluational services, consultation, direct services to children and families, and support local efforts to serve visually impaired students. Functioning as a mechanism for providing in-service and preservice training and ongoing staff development for those involved in providing educational services throughout the state is also a vital role for the Mississippi School for the Blind.

4. Many other comprehensive services for blind children should be developed and coordinated for all blind children through the school. The essential elements of this structure include, but

should not be limited to, resource and itinerant programs offered through local school districts; direct, consultative and/or supportive services; administrative, regulatory, and basic and special funding support from the Mississippi State Department of Education, and direct instructional, support, assessment and consultative services delivered through the Mississippi School for the Blind.

5. The Mississippi School for the Blind should provide programs directly addressed to students enrolled in public schools, and offer a broad scope of intensive instruction in those areas that may be minimally available at the local level, such as orientation and mobility, independent living skills, use of technological devices, adaptive physical education, reading and math skills, vocational training, and the productive use of leisure time.

6. Mississippi laws on the education of the blind should be changed to reflect current concepts and modern practice. For example, the following Mississippi law should be deleted as there are more contemporary instruction methods:

> Braille print, designated commonly as revised Braille grade two, shall be taught in the Mississippi School for the Blind.

BLINDNESS REGISTRY

Comprehensive planning and services requires a statewide data base and blindness demographics are vital. At the present time it is not possible to assemble adequate and reliable statistics on blindness and vision problems in Mississippi.

Routine reporting in a community to a register of all known persons with blindness is another way of compiling statistics on prevalence. It is also a way to secure data on incidence of reported blind persons. The reporting of persons with blindness to a register, whether or not they need or want services, may provide statistics necessary for planning and developing prevention programs, and ensure the provision of services by the agency to blind registrants when desired.

In addition, information on the causes of blindness is essential in a prevention program to determine the most important problems, evaluate the effectiveness of various remedial measures, detect new causes as they occur, and provide guidance in research. Finally, the absence of actual figures on the blind population is a serious handicap to agencies and individuals planning prevention of blindness programs or services for the blind. Information is needed on prevalence and incidence, distributions by age, sex and race, degree of visual impairment, and, particularly, causes of vision impairment.

To date, the majority of states have blindness registry legislation and have developed state registers of the blind, as an aid in defining problems and developing appropriate programs to deal with them.

In some states the blindness register is maintained by the Division for the Visually Impaired, as in Delaware:

> Every health and social agency, attending or consulting physician or nurse shall report to the Delaware Division for the Visually Impaired, in writing, the name, age and residence of persons who are blind.

In Connecticut, the State Board of Education and Services for the Blind is empowered to:

> Prepare and maintain a register of the blind in this state which shall describe their condition, cause of blindness and capacity for education and industrial training.

In Hawaii, the legislation is more extensive and requires the Department of Human Services to maintain a register:

> The department will cause to be maintained a complete register of the blind in the State which shall describe the condition, causes of blindness, capacity for education and industrial training, and such other facts as may seem to it to be of value regarding each blind person, together with recommendations for rehabilitation and relief.
>
> It shall register cases of persons whose eyesight is seriously defective or who are likely to become visually handicapped or blind, and take such measures for the prevention of blindness or conservation of eyesight, and in appropriate cases provide for or secure the vocational guidance of persons having seriously defective sight.

RECOMMENDATIONS

1. A need exists for an up-to-date statewide data base on blind and multihandicapped blind individuals. Demographic information and other characteristics of this population are most important for evaluation and placement purposes, as well as statewide planning and programming. Therefore, it is recommended that a yearly update of such information be coordinated through the appropriate State agency.
2. It is recommended that procedures for adequately maintaining a blindness registry be developed and that all referrals of persons be made mandatory. New procedures should be established to insure an active, ongoing, coordinated, and statewide system of identifying blind and visually impaired citizens.

PREVENTION OF BLINDNESS

The necessity for comprehensive prevention services ranges from the moment of conception to the time of death. Efforts to prevent visual impairment by fostering quality prenatal care cannot be ignored; neither can the importance of natal and postnatal care be ignored. Efforts should be made to decrease the amount of adventitious blindness among all our citizens.

Studies of the incidence and prevalence of causes of blindness over the years indicate that both incidence and prevalence are not fixed, but may vary for a number of reasons. The reasons inherently have to do with the question of preventability as it affects prevalence. As research reveals ways of preventing the occurrence of any eye disease or of controlling it so that it does not culminate in blindness, the incidence of blindness due to the cause may be reduced if prevention is practiced. Similarly, the development and use of effective therapy to reverse or remove the visual impairment may also reduce the prevalence of such blindness.

Numerous states have passed legislation related to prevention of blindness. Some examples of state legislation are:

In Hawaii:

> The department, in consultation and cooperation with the department of health, shall make investigation of the causes of blindness, learn what proportion of the cases are preventible, and inaugurate and cooperate in any such preventive measures as may seem advisable for the State. They, or either of them, may arrange for the examination of the eyes of the individual blind or visually handicapped persons and may provide or secure medical and surgical treatment of such persons whenever, in its judgment, the sight of the persons may be benefited thereby.

Idaho provides a program for the prevention of blindness and sight restoration. The Act reads as follows:

> The commissioner shall pay for all necessary expenses incurred in connection with the

diagnosis, treatment or surgery to prevent blindness or restore vision.

The commission shall enter into contracts and agreements with the federal government through its appropriate agency or instrumentality whereby the commission shall receive federal grants or other benefits for the prevention of blindness or for services to the blind, including medical eye care, instruction in the home, social adjustment and vocational and other rehabilitations.

California laws require that:

> The State Department of Health Services shall maintain a program for the prevention of blindness, including, but not limited to:
>
> a) Studies to determine the number, distribution, and nature of conditions leading to blindness among the population of the state,
>
> b) Investigations into the causes of blindness for the purpose of developing control procedures.
>
> c) Consultations with, and assistance to local agencies directed toward education for the prevention of blindness, the early identification of conditions leading to blindness, and the application of methods for reducing the amount of blindness resulting from preventable conditions. The department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to the prevention of blindness.

Arizona's law is somewhat different:

The department of health services shall encourage coordinating local programs concerning health of school children, including special fields such as the prevention of blindness and conservation of sight and hearing. The state department shall develop a section of rehabilitation for the visually impaired which shall include a sight conservation section and shall develop plans for the prevention and

treatment of conditions giving rise to public welfare.

RECOMMENDATION

1. Legislation should be sponsored related to prevention programs to decrease the incidence and prevalence of blindness.

INDEPENDENT LIVING

Since its inception in the early 1920's, Vocational Rehabilitation has emphasized gainful employment as the indicator of successful rehabilitation for people with handicaps. However, the 1970's and 1980's have seen the development and implementation of a new movement in rehabilitation. That movement has heralded a new trend called "independent living" which expands rehabilitation success criteria for people.

The milestone in the Independent Living movement was the passage of the 1978 Amendments to the Rehabilitation Act of 1973. Those Amendments first authorized state rehabilitation agencies to deliver services to individuals with no present vocational potential.

People who qualify are individuals whose abilities to function independently in family or community or show abilities to engage or continue in employment are so limited by the severity of their physical or mental disability that independent living rehabilitation services are required in

order to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment.

A few state agencies for the blind have specific legislation addressing this need. For example, Washington, in 1983, passed a succinct law:

> The department, to the extent appropriations are made available, may provide a program of services for independent living designed to meet the current and future needs of blind individuals who presently cannot function independently in their living environment, but who may benefit from services that will enable them to maintain contact with society and perform some tasks of daily living independently.

Florida law reads as follows:

> The Department of Health and Rehabilitative Services is hereby authorized, in addition to its other duties and responsibilities, to administer a program of self-care rehabilitation services for severely handicapped persons who appear to be feasible for such services.
>
> "Evaluation services for rehabilitation purposes" means comprehensive, individual case studies including diagnosis, psychological and physical tests of capacity for training and rehabilitation, and such other procedures and observations necessary to determine the nature and extent of a handicap, its effect on employability and ability for self-care, the attitude of the individual toward his handicap and especially his desire to overcome the handicap through training and rehabilitation procedures, the prognosis for improvement and the practical procedures and training necessary to achieve the ability of self-care and for eventual employment.
>
> "Self-care rehabilitation services" means such diagnostic, psychological, medical, surgical, physical restoration, guidance, training and related services including equipment and prosthetic appliances and training in their use needed to enable a severely handicapped person to dispense with or largely dispense with the need

for institutional care or for the services of an attendant and to achieve, insofar as practicable, the ability for independent living.

RECOMMENDATION

1. Legislation should be introduced that focuses on encouraging and assisting the movement of blind and visually impaired persons from dependent living situations to independent situations.
2. This enabling legislation should include a broad range of services designed to assist visually impaired or blind individuals to function more independently in the family and community and where appropriate, to engage in and sustain employment.
3. The broad range of services should include but not be limited to:

   a. Intake counseling to determine the need of blind individuals for specific independent living services;
   b. Referrals and counseling services with respect to attendant care;
   c. Attendant care and the training of personnel to provide attendant care;
   d. Counseling and advocacy services with respect to legal and economic rights and benefits;
   e. Peer counseling;
   f. Independent living skills, counseling and training, including training in the maintenance of necessary equipment, training in job seeking skills, counseling on therapy needs and programs, and special independent living skill training for blind individuals.
   g. Housing and transportation referral assistance;
   h. Surveys, directories and other activities to identify appropriate housing and accessible transportation and other support services;

i. Health maintenance programs (excluding routine medication and/or medical management and other such expenses);
j. Community transitional living arrangements;
k. Education and training necessary for living in the community and participating in community activities;
l. Individual and group social and recreational activities;
m. Interpreter services for deaf-blind individuals and reading services for blind individuals; and
n. Other programs and services necessary to provide resources, training, counseling, services or other assistance of substantial benefits in promoting the independence, productivity and quality of life for blind and visually impaired individuals.

BLIND-MADE PRODUCTS

The Javits-Wagner-O'Day Act created a Committee on Purchases of Blind-made Products, thus providing new opportunities for the marketing of the products of workshops for the blind on a national scale. The introduction of the bill which became this Act and its amendments was actively supported by state agencies for the blind. The years following have amply demonstrated the benefits to the blind and to the states of the new opportunities created.

In addition, many states mandate state and local agencies to buy from workshops for the blind certain commodities at a fair market price and under conditions prescribed by law. So-called "state use laws" have been passed in many states.

For example, Minnesota's statute provides:

> Any board, commission, officer, or employee of the state or a state agency, or of any county, city, town, school district, or other political subdivision or taxing district of the state, who purchases materials, supplies, goods, wares, merchandise, or produce, or procures services in behalf of the state or such state agency, political subdivision, or taxing district, shall purchase blind-made articles and products and procure blind labor whenever they are available on terms at least as advantageous to the purchaser as are articles, products, and services available from other sources.

Indiana's law is not mandatory:

> Any agency of the state or unit of local government may buy products and services without advertising or calling for bids from any qualified not-for-profit agency for the severely handicapped which a) complies with Indiana laws governing private not-for-profit organizations and which b) is certified as a sheltered workshop by the wage and hour division of the United States department of labor, and which c) meets the Indiana rehabilitation services -- Indiana association of rehabilitation facilities joint standards for rehabilitation facilities. To participate, the not-for-profit agency for the severely handicapped must have indicated an interest in supplying such goods and services. Purchases or products and services may be purchased at a fair market price.

Florida requires that:

> State institutions and agencies shall, where possible, purchase brooms, mops, rugs, rubber mats and other supplies (other than the products of prison labor) from sheltered Florida workshops operated by accredited nonprofit corporations, provided that such goods and supplies are of standard quality and price.

RECOMMENDATION

1. To design a "state use law" which encourages state agencies to buy from workshops for the blind and

severely handicapped certain commodities at a fair market value.

ADDITIONAL PROGRAM AREAS

This legislative needs assessment analysis reveals some additional program areas not currently reflected in Mississippi laws that warrant consideration. We recommend consideration of services provided in the following state statutes:

1. CHILDREN'S SERVICES

Washington state department of services for the blind may offer services to assist blind children and their families to learn skills and locate resources which increase the child's ability for personal development and increase the child's ability for personal development and participation in society. Services provided may include:

> Direct consultation with blind children and their families to provide needs assessment, counseling, developmental training, adaptive skills, and information regarding other available resources;
>
> Consultation and technical assistance in all sectors of society, at the request of a blind child, his or her family, or a service provider working with the child or family, to assure the blind child's rights to participate fully in educational, vocational, and social opportunities. The department is encouraged to establish working agreements and arrangements with community organizations and other state agencies which provide services to blind children.

Arizona statute requires:

> To facilitate the coordination of services to blind children and their families, the office of superintendent of public instruction and the department of services for the blind shall negotiate an interagency agreement providing for coordinated service delivery and the sharing of information between the two agencies.

2. PROFESSIONAL PREPARATION

Illinois provides traineeships and fellowships to encourage professional development:

> The state Board of Education may make traineeship or fellowship grants to persons of good character who are interested in working in programs for the education of handicapped children, for either part-time or full-time study in programs. Persons to qualify for a traineeship must have earned at least 60 semester hours of college credit and persons to qualify for a fellowship must be graduates of a recognized college or university. Such traineeships and fellowships may be in amounts of not more than $1,500 per academic year for traineeships, of not more than $3,000 per academic year for fellowships; however, an additional sum up to $2,500 annually for each grantee may be allowed to any approved institution of higher learning in Illinois for the actual cost to the institution. Part-time students and summer session students may be awarded grants on an pro rata basis.
>
> Following the completion of such program of study the recipient of such traineeship or fellowship is expected to accept employment within one year in an approved program of special education for handicapped children in Illinois on the basis of 1/2 year of service for each academic year of training through a grant under this article.

3. INFORMATION SERVICES

Texas statutes establishing the general powers and

duties of the Commission for the Blind provide that the Commission:

> shall serve as an information and referral resource for the visually handicapped . . .[and] shall establish a comprehensive central state depository for braille, large print, slow speed records and machines, tape recordings and tape players, and related forms of media.

Virginia statutes provide for the operation of library services for the handicapped:

> The Virginia Department and Board for the Visually Handicapped is authorized to maintain and operate a library service for the blind, visually handicapped, and physically handicapped . . .Special materials which are provided through this program may include but are not limited to sound reproduction machines such as tape players and record players; talking book records; magnetic tapes; large print books; braille books; book holders; page turners; . . .and special electronic devices used as reading aids.

Florida has a requirement that the Division for the Blind:

> . . . shall prepare and make available to the blind, in braille and on electronic equipment, Florida Statutes on Blindness in their entirety.

4. READER SERVICE

California statutes provides for readers to assist blind and visually impaired pupils:

> whenever any blind person with the proper educational qualifications who regularly matriculates, and works for a degree, or for a diploma of graduation, in any university, college in this state, and who is not a recipient of federally assisted vocational rehabilitation services. The

director of Rehabilitation shall provide from any funds appropriated for the purpose from the General Fund a reader to assist him in his studies. Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director as an employee of the Department of Rehabilitation. Compensation for readers shall be established but in no event shall such compensation be less than the basic federal minimum wage.

5. HOME SERVICES

California allows the appointment of rehabilitation teachers:

> The department may appoint counselor-teachers to provide individual guidance and training to the adult blind and shall give individual instruction in those techniques which will enable the blind to adjust to daily living in the home and in the community. They shall teach the blind reading and writing of braille, typing, travel techniques, household arts in accordance with the needs of the blind, and give them such other instruction as may enhance their opportunities for personal rehabilitation. This program shall be closely coordinated with vocational rehabilitation services for the blind, the Orientation Center for the Blind and the Opportunity Work Centers for the Blind.

Illinois statutes provide for home services by establishing service programs to:

> prevent unnecessary institutionalization of persons in need of long term care who are established as blind or disabled as defined by the Social Security Act, thereby enabling them to remain in their own homes or other living arrangements. Such preventive services may include, any or all of the following:
>
> (1) home health services;
> (2) home nursing services;
> (3) homemaker services;

(4) chore and housekeeping services;
(5) day care services;
(6) home-delivery meals;
(7) education in self-care;
(8) personal care services;
(9) adult day health services;
(10) habilitation services;
(11) respite care; or
(12) other nonmedical social services that may enable the person to become self-supporting.

6. MULTI-HANDICAPPED BLIND

Iowa provision reads as follows:

> The goal of this program is to provide skill training and resource sharing to the blind elderly, blind disabled and the deaf-blind. An individual with a visual limitation in combination with deafness, age, or other disabilities which prevent services under vocational rehabilitation. Program services include the following: guidance and counseling, alternative techniques, homemaker services, library services, income maintenance, medical services, education, transportation, recreation, nutrition, housing, prevocational, physical restoration, tools and equipment, information, consultative services, reader/interpreter services . . . .

7. HOUSING

Illinois required a comprehensive study of housing needs of persons with disabilities including blindness and charges the council to:

> Coordinate a comprehensive study of the housing needs of persons with disabilities and all related issues, and of the feasibility of a statewide computer registry designed to match the needs and vacancies in community living centers and other types of appropriate housing for persons with disabilities.

8. FACILITY SAFETY

Maryland found that public buildings lacked facilities for handicapped individuals and created a substantial risk of death or injury to handicapped individuals and others in both normal and emergency conditions. Maryland Facilities for the Handicap Act requires that:

> Braille numbers or raised print numbers indicating floors or levels shall be installed on the control panels in each elevator located in a public building. . . [and] . . .
>
> In any toilet facility, ramp, building entrance, drinking fountain, parking, or walk that is usable by handicapped individuals shall be marked with a suitable symbol.

9. AFFIRMATIVE ACTION

For each orientation center for the blind, California's statutes provide that:

> The staff shall include as large a proportion as is practical of visually handicapped persons who have achieved outstanding success in adjustment to their handicap.

10. LOAN FUND

California has a Rehabilitation Revolving Loan Guarantee Fund used to guarantee loans made:

> . . . by eligible lenders to eligible persons for the purchase of vans, automobiles, and other special equipment to transport the physically handicapped and to assist private employers and employees with disabilities to purchase durable equipment, adaptive aids, and assistive devices in order to engage in employment.

11. VOTING RIGHTS

Pennsylvania's registration and election laws facilitate voting by disabled persons:

> Every person who is physically disabled so that he cannot appear in person to be registered may request, in writing, that the registration commission send a registrar to the residence of such person for the purpose of registering such person in the same manner as required by law of other persons appearing for registration.

12. EYE SERVICES

The South Carolina Commission pays for eye examinations and medical and surgical treatment for visually handicapped persons:

> The Commission may arrange for the examination of the eyes of visually handicapped persons and may secure and pay for medical and surgical treatment for such persons whenever in the judgement of an ophthalmologist the eyes of such person may be benefited thereby. Upon examination by an ophthalmologist any person found to have no vision or vision with glasses which is so defective as to prevent the performance of ordinary activities for which eyesight is essential, such examining ophthalmologist shall, within thirty days, report the results of the examination to the Commission.

The New Jersey Commission also provides surgical or medical treatment:

> If the Commission finds that a blind individual may have any disability benefited or removed by proper surgical operation, or medical treatment, according to the evidence of a qualified specialist, the Commission may expend for such surgical operation of medical treatment those funds which may be available for the purpose in order to treat, remedy, or remove such disability.

Chapter V

Epilogue

It is recommended that at five-year intervals a periodic reassessment be made of the legislative needs of services for persons who are blind and visually impaired in the state of Mississippi. It may not be necessary to make such an extensive study as was conducted in 1987-88 resulting in this report; however, it is advised that a statewide commission be appointed specifically to review the status of the implementation of recommendations made in this report, and to determine what new recommendations should be made at that time.

This study was deemed to be an important undertaking by the Board of Trustees of the Mississippi Vocational Rehabilitation for the Blind Agency. Organizations for the blind in Mississippi agreed with the Board of Trustees as to the study's importance, with the Mississippi Vocational Rehabilitation for the Blind Agency, in part, providing the needed funds. The development of this study has involved many interested citizens in the state, and the study and subsequent recommendations covered a wide spectrum of legislation. The study included, but was not limited to, federal and state statutes on rehabilitation services,

administration, independent living, blind-made products, workshops, prevention, vending stands, blindness registry, health and social services.

The study has resulted in a number of recommendations, representing needed legislation on many different topics. To carry out the recommendations, new legislation would need to be introduced and passed. Other recommendations would require either the repeal or the amendment of certain items of legislation that are currently in effect. To carry out certain other recommendations, action will need to be taken by the Board of Trustees of the Mississippi Vocational Rehabilitation for the Blind Agency.

BIBLIOGRAPHY

The bibliography is in four sections. The first section lists the relevant sources of information for further reading. The second section is a listing of federal laws discussed in Chapter 2. The third section is a reference list of Mississippi State laws cited in Chapter 3. The fourth section lists the laws cited in Chapter 4.

Sources of Information

A summary of legislation relating to travel with dog guides. (1976). Morristown, NJ: The Seeing Eye.

Ballard, Joseph.(1982). Special education in America; its legal and governmental foundations. Reston, VA: The Council for Exceptional Children.

Bishop, V. E. (1987). Visually handicapped people and the law. Journal of Visual Impairment and Blindness, 81, 53-58.

Davis, R. N. (1988). Education of the handicapped act: removing impediments or disrupting the educational process? Unpublished manuscript, Oxford, MS, University of Mississippi Law Journal, Education Law Symposium.

Dickman, I. (1988). Creating jobs: Changing lives, the Wagner-O'Day Act and the workshops for the blind, 1966-1988. New York: National Industries for the Blind.

Duncan, John L. (1978). Sources of needs assessments in public law, New York: American Foundation for the Blind.

Eastman, H. (1976). Employment discrimination against the visually handicapped. Braille Forum, 15, 11-17.

Elmes, D. and Thomas, H. (1976). A Handbook on the legal rights of handicapped people. Washington, DC: President's Committee on Employment of the Handicapped.

Ferguson, John E. (Ed). (1977). Compilation of Massachusetts laws relating to blindness. Boston, MA: Massachusetts Commission for the Blind.

Jose, Randall, T. (1983). Understanding low vision. New York: American Foundation for the Blind.

Joyce, M. (Ed). (1976). Rights of the physically handicapped: A layman's guide to the law. Marshall, MI: Southwest State University.

Laws relating to blindness: A compilation of Pennsylvania. (1987). Harrisburgh, PA: General Assembly of the Commonwealth of Pennsylvania.

Lowenfeld, B. (1981). Berthold Lowenfeld on blindness and blind people. New York: American Foundation for the Blind.

Mann, J. W. (1986). A resource guide for visually impaired youth and their parents. Starkville, MS: Mississippi Center on Blindness and Low Vision.

Mann, J. W. (1986). A national model for education and related services for blind and visually handicapped children. Paper presentation at the Association for Education and Rehabilitation of the Blind and Visually Impaired, Chicago,IL.

Mann, J. W. (1986). Transition strategies for enhancing the career development of blind and visually impaired youth. Starkville, MS: Mississippi State University, Rehabilitation Research and Training Center on Blindness and Low Vision.

Mann, J. W. (1985). A comprehensive plan for delivery of educational and related services for blind and visually impaired children. Jackson, MS: Governor's Office of Federal-State Programs.

Mann, J. W. (1985). Meeting the challenge in education and rehabilitation. Paper presented at the 177th Annual Meeting of the American Printing House for the Blind, Inc., Louisville, KY.

Mann, J. W. (1985). Transition from high school to post-secondary programs for blind and visually impaired adolescents, Proceedings of the Annual Conference of the Mid-South Educational Research Association, Biloxi, MS.

Mann, J. W. (1984). A model statewide comprehensive plan for the blind and visually handicapped children birth to 21 years of age. Braille forum, 22, 2.

Mann, J. W. (1968). Visually impaired and blind: A plan for services in Mississippi. Jackson, MS: Mississippi Statewide Planning for Vocational Rehabilitation in Mississippi.

McCarry Barbara D. (1979). Federal assistance for programs serving the visually handicapped. New York: American Foundation for the Blind.

McCarry, Barbara D. (Ed). (1984). Know your rights: The disabled voter's guide. New York: American Foundation for the Blind.

Project SNAP. (1985). Phoenix, AZ: Arizona Statewide Needs Assessment Project.

Summary of existing legislation relating to the handicapped. (1980). Washington, DC: Government Printing Office.

The Law and disabled people - selected federal and state laws affecting employment and certain rights of people with disabilities. (1980). Washington, DC: U. S. Government Printing Office.

The Legal necessity for residential schools serving deaf, blind, and multihandicapped sensory impaired children. (1985). Macon, GA: Council of Executives of American Residential School for the Visually Handicapped.

Weintraub, F. J.; Absen, A.; Ballard, J.; and Lavor, M. L. (Eds.). (1976). Public policy and the education of exceptional children. Reston, Va: The Council for Exceptional Children.

Williams, L. Margarette and Valencic, Mathew. (1984). Estate Planning. Washington, DC: Americans for Legal Reform.

Williams, L. Margarette and Valencic, Mathew. (Ed). (1983). Probate. Washington, DC: Americans for Legal Reform.

Williams, L. Margarette and Valencic, Mathew. (Ed). (1982). Using a Law Library. Washington, DC: Americans for Legal Reform.

Yeadon, A.; Grayson, D.; Mulholland, Mary E.; Wurster, Marion V.; and DiMartini, S. (1979). Living with impaired vision: An introduction. New York: American Foundation for the Blind.

Federal Laws Cited in Chapter 2

Civil Rights Commission Act of 1978, Pub. L. No. 95-444, 92 Stat. 1067 (codified as amended at 42 U.S.C. sections 1975(c) to 1975(e) (1982)).

Architectural Barriers Act of 1968, 42 U.S.C. sections 4151-4156 (1982).

Civil Service Reform Act of 1978, 5 U.S.C. sections 552-8913, 15 U.S.C. sections 1715, 28 U.S.C. sections 2342, 31 U.S.C. section 18, 38 U.S.C. section 2014, 39 U.S.C. sections 410, 1002, 42 U.S.C. sections 246, 3608, 4728, 2762, 4755 (1982).

Legal Services Corporation Act Amendments of 1977, 42 U.S.C. sections 2701,2996-2996j (1982).

Social Security Act of 1935, 49 U.S.C. sections 301-1305 (1976).

Social Security Act Amendments of 1939, 7 U.S.C. 642, 12 U.S.C. section 1464, 29 U.S.C. sections 456, 42 U.S.C. sections 302-306, 401-409, 502-503, 602-606, 701-721, 1011, 1101-1107, 1202-1206, 1301-1307, 45 U.S.C. section 363 (1964).

Social Security Act Amendments of 1946, 42 U.S.C. sections 303-1301 (1964).

Social Security Act, 42 U.S.C. sections 303,603,1203,1301 (1964).

Social Security Amendments of 1950, 42 U.S.C. sections 301-1355 (1964).

Social Security Act Amendments of 1952, 42 U.S.C. sections 303,402-421, 603, 1203, 1309, 1353, 45 U.S.C. sections 2280, 228e (1964).

Social Security Amendments of 1954, 26 U.S.C. sections 176, 1401-1402, 1426, 3101-3102, 3111, 3121-3122, 6413, 42 U.S.C. sections 303, 402-422, 1202a, 45 U.S.C. sections 228a, 228b, 228e (1964).

Social Security Amendments of 1956, 26 U.S.C. sections 1401-1402, 3101-3113, 3121, 42 U.S.C. sections 301-303, 401-425. 601-606, 721, 906, 1201-1203, 1301-1310, 1351-1353, 45 U.S.C. sections 228a, 228e (1964).

Social Security Amendments of 1958, 26 U.S.C. sections 1401-1402, 1301, 3111, 3121-3122, 6334, 6413, 42 U.S.C. sections 302-303, 401-425, 603, 701-725, 1202-1203, 1301-1311, 1353, 45 U.S.C. section 228a (1964).

Social Security Act, 42 U.S.C.A. sections 426-426-1. 1395c-1396d (1979).

Rehabilitation Act of 1973, 29 U.S.C. sections 701-794 (1976).

Rehabilitation Act of 1974, 29 U.S.C. sections 701-792 (1986).

Rehabilitation Act Extension of 1976, 29 U.S.C. sections 701-792 (1986).

Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978, 29 U.S.C. sections 701-796, 38 U.S.C. section 1904, 42 U.S.C. sections 6000-6012, 6031-6033, 6061-6067, 6081-6862 (1981).

Rehabilitation Act Amendments of 1986, 20 U.S.C. section 1414, 29 U.S.C. sections 701-796i, 42 U.S.C. section 2000d-7 (1986).

Education of the Handicapped Act, 20 U.S.C. sections 1401-1420 (1986).

Job Training Partnership Act, 18 U.S.C. section 665, 29 U.S.C. sections 49, 801-1781, 42 U.S.C. sections 602, 632-633 (1982).

Act to Provide Books for the Blind, 2 U.S.C. section 135a-135b. (1976).

An Act Regulating the Postage on Letters Written by the Blind, 30 stat. 984 (1899).

Pub. L. No. 58-171, 39 U.S.C. section 331 (1940).

Pub. L. No. 62-336, 39 U.S.C. section 5 (1940).

Pub. R. 33-68, 39 U.S.C. section 331 (1940).

Pub. L. No. 73-214, 39 U.S.C. section 331, (1940).

Pub. L. No. 75-37, 39 U.S.C. section 293c (1940).

Pub. L. No. 75-523, 39 U.S.C. section 331 (1940).

Pub. L. No. 77-270, 39 U.S.C. section 331 (1964).

Pub. L. No. 81-290, 39, U.S.C. section 331 (1964).

Pub. L. No. 82-308, 39 U.S.C. section 240b (1964).

Amendments to the Revenue Acts Affecting the Blind, Pub. L. No. 78-235, 26 U.S.C. sections 450, 456 (1964).

Pub. L. No. 80-471, Passed House of Representatives, April 2, 1948, the Senate, April 2, 1948. Internal Revenue Bulletin, December 30, 1957, pp. 41-42.

Tax Reform Act of 1986, Pub. L. No. 99-514, 26 U.S.C. (1988).

Randolph-Sheppard Vending Stand Act of 1938, Pub. L. No. 83-565, 20 U.S.C. section 107 (1940).

Surface Transportation Assistance Act of 1982, Pub. L. No. 97-424, 23 U.S.C. section 111 (1986).

Wagner O'Day Act of 1983, Pub. L. No. 92-28, Pub. L. No. 93-76, Pub. L. No. 93-358, 41 U.S.C. section 46 (1940).

Rail Passenger Service Act, Pub. L. No. 93-146, 45 U.S.C. section 502 (1979).

Urban Mass Transportation Act of 1964, as amended. Pub. L. No. 91-87, Pub. L. No. 93-503, Pub. L. No. 95-599, 49 U.S.C. section 1601 (1976).

Amendments to the Interstate Commerce Act, Pub. L. No. 75-184, Approved July 5, 1937.

Air Carrier Access Act of 1986, Pub. L. No. 99-435 49 U.S.C. section 1301-1374 (1988).

State Laws Cited in Chapter 3

MISS. CODE ANN. tit. 23, 37, 39, 43, 45 (Michie 1972 & Supp. 1988).

State Laws Cited in Chapter 4

MISS. CODE ANN. tit. 43, section 5-13 (Michie 1972 & Supp. 1988).

DEL. CODE ANN. tit. 31, section 2108 (1981 & Supp. 1988).

CONN. GEN. STAT. ANN. tit. 10, section 298 (West 1985& Supp. 1988).

HAW. REV. STAT. ch 347, section 10 (b) (1985 & Supp. 1988).

IDAHO CODE ch. 54, tit. 67 section 67-5407 (1980 & Supp. 1988).

CAL. [HEALTH & SAFETY] CODE, Art, 11, section 428 (West 1979 & Supp. 1988).

ARIZ. REV. STAT. ANN tit. 36, section 132 A (8) (1986 & Supp. 1987).

WASH. REV. CODE ANN. tit. 74 section 74.180 (West 1982 & Supp. 1988).

FLA. STAT. ANN. section 413.40 (West 1988).

MINN. STAT. ANN. Vol. 16A, section 248.075 (West 1982).

IND. CODE ANN. tit. 16, section 16-7-11.5.3 (Michie 1983 & Supp. 1988).

FLA. STAT. ANN. ch. 413.031 (West 1988).

WASH REV. CODE ANN. tit. 74, section 74.18.210 (West Supp. 1988).

ILL. ANN. STAT. ch. 122, section 14-10.01 (Smith-Hurd Supp. 1988).

TEX. [HUM. RES.] CODE ANN section 91.021(f) (1), section 91.081 (Vernon 1980 & Supp. 1988).

VA. CODE ANN. tit. 63.1, ch. 5, section 63.1-74.1 (Michie 1987 & Supp. 1988).

FLA. STAT. ANN ch. 413.011(k) (West 1988).

CAL. [WELF. & INST.] CODE section 19525, 19526 (West 1980).

ILL. ANN. STAT. ch. 23, section 3434-3(g) (Smith-Hurd Supp. 1988).

ILL. ANN. STAT. ch. 23, section 3447-16(a) (Smith-Hurd Supp. 1988).

MD. [STATE FIN. & PROC.] CODE ANN. sections 2-502, 2-5-6 to 508 (Michie 1988).

CAL. [WELF & INST.] CODE sections 12700, 19504 (West 1980).

PA. STAT. ANN. tit. 25, section 951-18 to 18.1 (Purdon 1988).

S.C. CODE ANN. tit. 43, section 25-50 (Law. Co-op 1975).

N.J. STAT. ANN. tit. 30, section 30:6-13 (West 1981).

Appendix A

States Agencies Responsible for

Administering Vocational Rehabilitation Programs

Note: The data in Appendix A was adapted from "State Agencies Responsible for Administering Vocational Rehabilitation Programs: by Federal Office of Special Education and Rehabilitation, 1988, Information Memo No. RSA-IM 88-09.

Table 1

List of States by Type of State Agency Designated

Independent Vocational Rehabilitation Agency		Parent Agency is a State Agency Responsible for Education or Vocational Education		Parent Agency is a State Agency that Includes at Least Two Other Major Units, Each Administering One or More of the Major State Education, Health, Welfare or Labor Programs	
General Agencies	Agencies for the Blind	General Agencies	Agencies for the Blind	General Agencies	Agencies for the Blind
Arkansas	Arkansas	Alabama	Florida	Arizona	Delaware
Illinois	Connecticut	Alaska	Kentucky	California	Iowa
Indiana	Idaho	Connecticut	Utah	Colorado	Louisiana
Massachusetts	Massachusetts	Idaho		Florida	Michigan
Mississippi	Mississippi	Iowa		Georgia	Minnesota
Ohio	Oregon	Kentucky		Hawaii	Missouri
Pennsylvania	New Mexico	Maryland		Kansas	Nebraska
South Carolina	South Carolina	Michigan		Louisiana	New Jersey
South Dakota	Texas	Missouri		Maine	New York
Texas	Virginia	Nebraska		Minnesota	North Carolina
Virginia	Washington	New Hampshire		Montana	Pennsylvania
		New Mexico		Nevada	Rhode Island
		New York		New Jersey	Vermont
		Utah		North Carolina	
		West Virginia		North Dakota	
				Oklahoma	
				Oregon	
				Rhode Island	
				Tennessee	
				Vermont	
				Washington	
				Wisconsin	
				Wyoming	
Total 11	11	15	3	24	13

Table 2

Agencies for the Blind

(1)	(2)	(3) Designated Agency?			(4)	(5)	(6)
		(a)	(b)	(c)			
State	Name of State Agency designated to administer State VR programs	An independent VR agency concerned with vocational/ other rehabilitation of handicapped individuals?	The State agency responsible for education or vocational education?	A State agency including at least two other major units?	Name of designated State unit	Title of State official to whom independent VR agency or designated State unit reports	Effective date
Connecticut	Board of Education and Services for the	Yes			Not Applicable	Governor	7-1-75
Delaware	Department of Health & Social Services			Yes	Division for the Visually Impaired	Secretary, Dept. of Health & Soc. Services	7-1-75
Florida	Dept. of Education		Yes		Division of Blind Services	Deputy Commissioner of Special Programs	4-1-76
Arkansas	Division of State Services for the Blind	Yes			Not Applicable	Secretary, Dept. of Human Services	7-1-83
Idaho	Idaho Commission for the Blind	Yes		Yes	Not Applicable	Idaho Commission for the Blind	7-1-75
Iowa	Iowa Commission for the Blind			Yes	Not Applicable	Director, Dept. of Human Rights	7-1-86
Kentucky	The Education and Humanities Cabinet		Yes		Dept. for Blind	Secretary, Education & Humanities Cabinet	7-1-77
Louisiana	Dept. of Health and Human Services			Yes	Division of Blind	Secretary, Dept. of Health & Human Resources	10-1-81
Massachusetts	Commission for the Blind	Yes			Not Applicable	Governor	7-1-75

(1)	(2)	(3) (a)	(b)	(c)	(4)	(5)	(6)
Michigan	Department of Labor			Yes	Commission for the Blind	Director, Dept. of Labor	10178
Minnesota	Minnesota Dept. of Jobs and Training			Yes	State Services for the Blind & Visually Handicapped	Assist. Comm., Div. of Rehabilitation Services	10185
Mississippi	Vocational Rehabilitation for the Blind	Yes			Not Applicable	Board of Trustees of Ms. School for Blind & Deaf Schools	7175
Missouri	Division of Family Services			Yes	Bureau for the Blind	Director, Div. of Family Services	7175
Nebraska	Dept. of Public Institutions			Yes	Div. of Rehabilitation Services for the Visually Impaired	Director, Public Institutions	7175
New Jersey	Dept. of Human Services			Yes	Comm. for the Blind and Visually Impaired	Deputy Commissioner, Dept. of Human Service	7175
New Mexico	Commission for the Blind	Yes			Not Applicable	Commission Board	6186
New York	Dept. of Social Services			Yes	Comm. for the Blind & Visually Impaired	Deputy Commissioner, Dept. of Human Service	4180
North Carolina	Dept. of Human Resources			Yes	Div. of Services for the Blind	Secretary, Dept. of Human Resources	7175

(1)	(2)	(3) (a)	(b)	(c)	(4)	(5)	(6)
Oregon	Oregon Commission for the Blind	Yes			Not Applicable	Oregon Commission for the Blind	7175
Pennsylvania	Dept. of Public Welfare			Yes	Bureau of Blindness & Visual Services	Secretary, Dept. of Publin Welfare	7175
Rhode Island	Dept. of Human Services			Yes	Services for the Blind & Visually Impaired	Assistant Director of Community Services	7175
South Carolina	South Carolina Commission for the Blind	Yes			Not Applicable	Governing board of the S.C. Commission for the Blind	7175
Texas	Texas State Commission for the Blind	Yes			Not Applicable	Board of Directors, Texas Commission for the Blind	7175
Utah	State Board of Education		Yes		Div. of Services for the Visually Impaired	Superintendent of Public Instruction	1177
Vermont	Agency of Human Services			Yes	Div. of Services for the Visually Impaired	Secretary, Agency of Human Resources	10177
Virginia	Virginia Dept. for the Visually Handicapped	Yes			Not Applicable	Governor	7180
Washington	Washington Dept. of Services for the Blind	Yes			Not Applicable	Governor	7183
TOTALS		11	3	13			

Appendix B

Jurisdiction of Schools
for the Blind and Deaf

Boards/Department of Education

(If no designation, the school is directly under the Board).

1. California Schools for the Deaf and Blind, Deputy Superintendent.
2. Colorado School for the Deaf and the Blind, Commissioner of Public Instruction
3. Delaware School for the Deaf, Director of Special Services
4. Georgia Academy for the Blind and School for the Deaf, Superintendent
5. Idaho School for the Deaf and Blind
6. Louisiana Schools for the Visually Impaired and Deaf
7. Kansas State Schools for the Deaf and Visually Handicapped, Commissioner of Education
8. Kentucky Schools for the Deaf and Blind, Assoc. Superintendent of Public Education, State Superintendent
9. Maine School for the Deaf, Commissioner of Public Education
10. Michigan Schools for the Deaf and Blind, Director of Residential Schools, State Superintendent, State Board
11. Minnesota School for the Blind and Academy for the Deaf
12. Missouri Schools for the Deaf and Blind, Assistant Commissioner of Education
13. Montana School for the Deaf and Blind
14. Nebraska Schools for the Deaf and Visually Handicapped, Assist. Commissioner for the Sensory Impaired
15. New Jersey School for the Deaf, Director of Direct Services

16. New York State Schools for the Blind and Deaf, Director of State Operated State Supported Schools Assistant Commissioner of Education for Handicapped Children

17. Ohio Schools for the Blind and Deaf, Asst. Supt. of Public Instruction

18. Pennsylvania School for the Deaf, Secretary of Education

19. Rhode Island School for the Deaf, Director of Special Populations

20. Tennessee Schools for the Deaf and Blind, Executive Director for Special Schools

21. Utah School for the Deaf and Blind, Board of Trustees

22. Virginia State School for Deaf and Blind, Deputy Superintendent of Schools

23. West Virginia School for the Deaf and Blind, Deputy Superintendent of Schools

24. Wisconsin Schools for the Deaf and Visually Handicapped, Assist. Superintendent for Exceptional Children

25. Wyoming School for the Deaf, Assist. Supt. of Instruction

Independent School District

1. Texas State Schools for the Deaf and Blind, Governor

Board of Commissioners

1. South Carolina School for the Deaf and Blind

Governor

1. New Mexico Schools for the Deaf and Visually Handicapped

2. North Dakota Schools for the Deaf and Blind, Director of Institutions

3. Washington Schools for the Deaf and Blind

Board of Trustees

1. Alabama Institute for the Deaf and Blind, Governor

2. Florida School for the Deaf and Blind, Governor

3. Mississippi Schools for the Deaf and Blind

Board of Directors

1. Arizona State School for the Deaf and Blind, Governor

2. Arkansas Schools for the Deaf and Blind, Governor

State Board of Regents

1. Iowa Braille and Sight Saving School and School for the Deaf

2. South Dakota Schools for the Deaf and Visually Handicapped

Rehabilitation Agency

1. Illinois Schools for the Deaf and Blind, Administrator of Rehabilitation Services, Governor

Department of Human Resources

1. North Carolina, Governor Morehead School for the Blind and School for the Deaf, Director of Deaf and Blind Schools, Secretary of Human Resources

Department of Human Services

1. Oklahoma Schools for the Deaf and Blind, Assist. Director for Rehabilitation Services

Board of Visitors

1. Maine School for the Deaf

Board of Health

1. Indiana School for the Blind, Director of Management-Public Health, Commissioner of Public Health